REMARKS

Claims 1-34 are pending in the application and are presented for reconsideration. By the foregoing amendments, claims 1, 7-9, 20-22, 26 and 29-30 are amended. In addition, claims 4-6, 11-12, 23-25, and 31-32 are canceled without prejudice or disclaimer. These changes are believed not to introduce new matter, and their entry is respectfully requested. Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

Rejections under 35 U.S.C. §102

Claims 1-7, 11, 13-14, 21-27, 31, 33, 34 have been rejected as allegedly being unpatentable over U.S. Patent Publication Number 2004/010387 issued to Mukherjee et al. ("Mukherjee").

Claim 1, as amended, is directed to a method and recites:

> …receiving a first result set, the first result set comprising a first plurality of article identifiers arranged in a first sort order;
>
> receiving a second result set, the second result set comprising a second plurality of article identifiers arranged in a second sort order;
>
> **sorting the second plurality of article identifiers in the second sort order into a third sort order based at least in part on the first sort order**; and
>
> creating a third result set based at least in part on the first and second plurality of article identifiers and the third sort order.

Claims 21 and 22, as amended, recite similar elements.

The amended claims recite sorting a set of article identifiers. A third result set is created based on a first and second plurality of article identifiers and a third sort order is created based at least in part on the first sort order. This sorting method is useful when applied to a display with

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a refreshing content window. By maintaining constancy between the third result set and the first and second result sets, distractions to the viewer are reduced.

Mukherjee relates to combining search results from multiple search databases and discloses creating a result set based on other result sets. Mukherjee uses a re-ranking module for determining a sort order for the newly created result set. However, the re-ranking module in Mukherjee does not create the sort order **based at least in part on the first sort order**. Rather, Mukherjee's re-ranking module sorts the new result set based on **user-defined input** (see paragraph [0057]). The user-defined input selects from among sort criteria including author, title frequency of terms, or by LSI methods (paragraph [0061]-[0062]). The search results are ranked according to how well they match certain user-selected fields and do not depend on the sort order of any other result set. Thus, the sort order in Mukherjee is not "based at least in part on the first sort order," as claimed. Therefore, Applicants respectfully request that the examiner withdraw the rejection.

As claims 2-19 and claim 23-34 are dependent on claims 1 and 22, all arguments advanced above with respect to claims 1 and 22 are hereby incorporated so as to apply to claims 2-19 and 23-34.

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Rejections under 35 U.S.C. §103

Claims 8-9, 12-13, 15-16, 18-19, 29-30, 32 have been rejected under 35 U.S.C. §103 as allegedly being unpatentable over Mukherjee in view of U.S. Patent Application Publication Number 2005/0033803 issued to Vleet et al. ("Vleet"). The rejection is now traversed.

Dependent claim 15 recites

> "...wherein the third result set comprises at least a **pre-determined percentage** of the first plurality of article identifiers."

Dependent claim 19 recites

> "...wherein the third result set comprises no more than a **pre-determined quantity** of article identifiers not contained in the first plurality of article identifiers."

In dependent claims 15 and 19, Examiner admits that Mukherjee does not explicitly teach creating a third result set based on a predetermined percentage or predetermined quantity of the first plurality of article identifiers, but asserts that the teaching is found in Vleet. However, Vleet also does not disclose creating a third result set that comprises at least a predetermined percentage of the first plurality of article identifiers or creating a third result set that comprises no more than a predetermined quantity of article identifiers not contained in the first plurality of article identifiers. In paragraph 63, upon which Examiner relies, Vleet teaches restricting a result set to items not previously viewed, items previously viewed, or items viewed within a particular time period. Vleet does not disclose or even suggest restricting a result set based on "a predetermined percentage" or "a predetermined quantity," as claimed.

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Claim 20 has been rejected as allegedly being unpatentable over Mukherjee in view of

U.S. Patent Number 6,078,916 issued to Culliss ("Culliss").

Claim 20 has been amended to recite:

> "receiving a first result set, the first result set comprising a first plurality
> of article identifiers, each of said first plurality of article identifiers
> comprising **a length of display time measure indicating a length of
> time that the article identifier has been displayed on a computer
> display**; and
>
> creating a second result set based at least in part on the article identifiers
> comprising a length of display time measure **less** than a predetermined
> minimum display time."

Examiner admits that Mukherjee does not explicitly teach articles comprising a length of

display time measure but asserts that the teaching is found in Culliss. However, Culliss does not

disclose a plurality of article identifiers comprising a **length of display time measure**

indicating the length of time that the article identifier has been displayed. Examiner relies

on column 3 line 60 to column 4, line 4 in Culliss. In the cited lines, Culliss teaches scoring

articles based on the time users spend visiting the article. Thus, Culliss refers to a display time

for the article itself, while the claimed invention refers to a display time for the article identifier

in a list of search results. Further, the claimed invention bases the second result set on article

identifiers comprising a length of display time measure **less than** a predetermined minimum

display time. In column 3, lines 60-67 Culliss teaches away from the claimed invention by

disclosing that an article is more likely to appear in the second result set if the display is **greater**

than a predetermined display time. This is inconsistent with the claimed invention and would

lead one of ordinary skill in a direction divergent from the claimed invention.

Based on the above Amendment and the following Remarks, Applicant respectfully

requests that the Examiner reconsider the rejection, and withdraw it.

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Conclusion

Applicant believes that all of the stated grounds of objection and rejection set forth by the Examiner in the Office Action have been properly accommodated or addressed. Applicant, therefore, respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and withdraw them. The Examiner is invited to telephone the undersigned representative if it is felt that an interview might be useful for any reason.

Respectfully submitted
Stephen R. Lawrence, Niniane Wang and
Nikhil Bhatla

Date: September 25, 2006   By: /Brian Hoffman/
Brian Hoffman
Attorney for Applicant
Reg. No. 39,713
FENWICK & WEST LLP
275 Battery Street
San Francisco, CA 94111
(415) 875-2484
bhoffman@fenwick.com

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